

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF RHODE ISLAND

ALBERT L. GRAY, Administrator of the  
Est. of DEREK GRAY and on behalf of  
JANI L. GRAY-MCGILL, minor child of  
Decedent Derek Gray, et al.  
Plaintiffs,

v.

JEFFREY DERDERIAN, et al.  
Defendants.

CIVIL ACTION  
NO.: 04-CV-312-L

Judge: Ronald R. Lagueux

**AFFIDAVIT OF PATRICK T. JONES**

TO THE HONORABLE COURT:

The deponent first being duly sworn deposes and states the following:

I, Patrick T. Jones, am counsel of record for plaintiff Albert L. Gray, in his capacity as Administrator of the Estate of his son Derek Gray and on behalf of Jani L. Gray-McGill, his decedent son's minor child, and am also counsel of record in this action for seventy-one (71) other plaintiffs, and for their dependents and heirs.

I attach to and incorporate within this Affidavit documents in support of plaintiffs' objection to the Partial Motion to Dismiss of WPRI, as follows:

**Tab 1:** A transcript of the Channel 7 investigative report "Burning Beds", attributed to Jeffrey Derderian and broadcast on February 18, 2001.

**Tab 2:** A photocopy of an article appearing in *The Boston Globe*, attributed to Mark Jurkowitz, published on February 22, 2003, two days after the

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fire entitled "WPRI Reporter's Link to Club Stirs Ethical Questions". In that article, WPRI's news director is quoted as telling Fox News "we were shooting a special assignment piece...about safety in clubs. This club had no [safety] issues" and WPRI is reported to have stated, on an early morning WPRI newscast, that The Station was chosen for the club's safety story: as a "matter of convenience" for WPRI and as "a good example" of a venue that met safety codes.

**Tab 3:** An article published by Andy Smith in *The Providence Journal* on February 25, 2003, entitled "TV Coverage Ethics at Issue as Reporter Becomes the Story."

**Tab 4:** "Code of Ethics: Society of Professional Journalists" which I have obtained from internet sources and have printed out for attachment to this Affidavit.

**Tab 5:** "LIN TV Corp. Code of Business Conduct and Ethics," which I have also obtained from internet sources and printed for inclusion in this Affidavit.

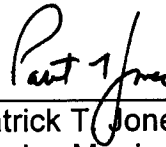
**Tab 6:** "Radio-Television News Directors Association and Foundation Guidelines for Balancing Business Pressures and Journalism Values", obtained from internet sources.

**Tab 7:** Exhibit 1 to the FCC 323 Ownership Report for Commercial Broadcast Stations dated January 28, 2004, which details this ownership chain of WPRI.

**Tab 8:** Subpoena and document schedule, August 8, 2003.

The above statements are true on personal information except as where stated on information and belief, and as to those statements, I believe them to be true, and the documents attached hereto are believed by me to be true and accurate copies of the documents they purport to be.

Signed under the pains and penalties of perjury this    day of September 2004.



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#131439



<http://www.whdh.com/features/articles/reports/314/>

## 7NEWS Reports: *Burning Beds*

Air Date: 02/18/2001

Reported By: Jeff Derderian

*House fires are always devastating for people who live through them. And fires that start in mattresses can be a shock, because many times people think that they're out, when they suddenly burst into flames again. Jeff Derderian explains the dangers of a burning bed.*

They thought the mattress fire was out. A Lowell family member pulled the mattress outside to the porch and left it there. But the fire wasn't extinguished.

### **Rickly Thlang, Witness**

"Once the air hit it, it went up in flames."

The back of the house was engulfed. By the time it was over, eight family members were hospitalized and two others, a father and his 4-year-old daughter, were dead.

On average, nearly 600 people die from mattress fires each year, and thousands more are injured. Two things make these fires deadly: speed and intense smoke.

### **Capt. Larry Ferazani, Cambridge Fire Dept.**

"While you fall asleep, just the gases alone are going to kill you."

As for speed, consider how fast two mattresses catch fire, one with bedding, one without. With an open flame at the foot of a bare mattress, it starts to smolder immediately, sending smoke into the room.

### **Firefighter**

"You can hear in a matter of seconds we have an open flame, that's a smoke detector."

In two minutes, the entire mattress is burning.

And what about the mattress with bedding? We use the same candle flame and it takes twenty seconds for the bed to catch fire!

### **Firefighter**

"You have an open flame right now."

The mattress with bedding burns nearly twice as fast as the one without.

### **Firefighter**

"It's not even two minutes and...the mattress is pretty much completely involved underneath."

Critics say the problem with mattresses is that they're not mandated to be flame resistant. Mattresses we buy only have to meet what's called the cigarette ignition standard. This means that

they have to resist being ignited by a burning cigarette, and not an open flame.

Another problem is what's inside the mattress, polyurethane foam. Fire safety experts call this stuff *solid gasoline* and it can cause a smoldering mattress to burst into flames.

**Capt. Larry Ferazani**

"As soon as the oxygen hits them, bang, they go right up."

Right now, the only flame resistant mattresses on the market are sold to hospitals and prisons, and are not available to consumers.

**Gordon Damant, Mattress Industry Expert**

"We're pushing the Consumer Product Safety Commission into the adoption of an open flame ignition standard for residential mattresses."

The Consumer Product Safety Commission is in the process of upgrading rules for furniture and mattress flammability. Proposals include: warning labels on items containing polyurethane foam, and an open flame ignition standard for residential mattresses. The CPSC is studying ways to make mattresses flame resistant, which the agency admits, could take years.

So in the meantime-

**Capt. Larry Ferazani**

"If they have a fire in the mattress, don't ever think it's out, call the Fire Dept."

The state fire marshal says smoke detectors are the best way to escape any fire. So make sure you have batteries in your smoke detectors and test them monthly.

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WHDH-TV  
7 Bulfinch Place  
Boston MA 02114

## TRAGEDY IN RHODE ISLAND MUSIC, THEN DISASTER

# WPRI reporter's link to club stirs ethical questions

By Mark Jurkowitz  
GLOBE STAFF

For Providence station WPRI-TV (Channel 12), it was a routine story assignment: send a cameraman to a West Warwick, R.I., heavy-metal show for a story on clubgoers' safety in the aftermath of the Chicago tragedy, in which 21 people died in a nightclub stampede. By dawn, however, nearly 100 people were dead and scores more injured when a fire at this club — The Station, owned by Channel 12 reporter Jeff Derderian and his brother — turned into an inferno.

Now, Derderian, an aggressive reporter who left Boston's WHDH-TV (Channel 7) for WPRI a week ago, is facing tough questions about his liability in the disaster,

the worst of its kind in the state's history. And WPRI must deal with serious ethical questions: about why the station chose Derderian's club, if he was there that night as a reporter, and how WPRI covers a disaster linked to its own employee.

Yesterday, Derderian's attorney issued a statement saying his client "was in the club at the time the fire broke out, and assisted in helping to evacuate the building during the fast-moving fire." Derderian, the statement said, was "devastated" by the tragedy.

WPRI officials did not return repeated phone calls, instead issuing a statement that the station is "shocked and deeply saddened" but will "provide continuing coverage of this story."

**'We sometimes are thrown into a story. That's what happened here. ... It's not easy.'**

GARY BROWN, WPRI news director

In an interview with WCVB-TV (Channel 5) early yesterday morning, WPRI news director Gary Brown said: "We sometimes are thrown into a story. That's what happened here. ... It's not easy."

He told Fox News, "We were shooting a special assignment piece ... about safety in clubs. This club had no [safety] issues. It was just a place we could get some video of a nightclub interior."

Bob Steele, ethics director of the Poynter Institute, said WPRI "is in a very challenging position" concerning accountability for the tragedy. If it treats Derderian and the story any differently, Steele said, "it's a classic case of competing loyalties ... the failure of journalistic independence, and a consequence of horrible events."

Derderian, who joined WPRI on Monday after six years at

WHDH, was at The Station with WPRI cameraman Brian Butler when the blaze broke out. Butler's footage — flames racing up a wall, then spreading as panicked clubgoers scrambled — was replayed nationwide.

According to WHDH officials, Derderian took a job with WPRI last week to be closer to his family. It was a professional homecoming as well, because he was once an anchor and reporter at Providence station WLNH-TV (Channel 6).

As yesterday's tragedy unfolded, most news outlets reported Derderian's connection to both the club and WPRI's dramatic footage; the relationship was confirmed by the statement from Derderian's attorney.

WPRI's Brown told WCVB it

was "a very freak thing" — cameraman was there when tragedy occurred.

An early morning WPRI newscast — simulcast on CNN — reported that there were several reasons why The Station was chosen for the club-safety story: as a "matter of convenience" for WPRI, and as "a good example" of a venue that met safety codes.

Alex Jones, director of Harvard's Shorenstein Center on the Press, Politics, and Public Policy, said it was incumbent on WPRI to be clear to viewers about Derderian's connection to both the station and the nightclub.

"In most cases like this," he said, "disclosing what the conflict is mitigates what the conflict is."



## TV coverage ethics an issue as reporter becomes the story

**Journalism experts say Channel 12 is in breach of common ethical practices for sending a photographer "on background" to a nightclub owned by one of its reporters.**

02/25/2003

**BY ANDY SMITH**  
**Journal Television Writer**

"This is Channel 12's worst nightmare," said Kathy Gazda, news director for Channel 6.

The station finds itself smack in the middle of one of the most difficult stories in Rhode Island history.

When last Thursday night's tragic fire broke out at The Station, Channel 12 videographer Brian Butler was there, shooting a story about safety in public places.

The Station is owned by Channel 12 reporter Jeffrey Derderian and his brother Michael. Jeffrey Derderian is now on paid leave from the station.

Channel 12 issued a statement through public-relations agency Duffy & Shanley saying Butler was at The Station to film "generic background footage" for a story on safety in public buildings scheduled to air this week. The idea for the story, the statement said, grew out of the Chicago nightclub tragedy last week that left 21 dead. It came from a TV station consulting company, Crawford, Johnson & Northcott of Des Moines.

Channel 12 said the focus of the story was not solely on the nightclub industry -- Derderian conducted interviews at the Dunkin' Donuts Center and the Rhode Island Convention Center. The station said there was no plan to publicize or promote The Station in any way.

But journalism ethics experts said the station was on a slippery slope when it chose to use a nightclub owned by an employee in a story.

"This is Journalism 101," said Linda Lotridge Levin, chairman of the journalism department at the University of Rhode Island. "Every student is told, early on, you don't use your friends or your family as sources.

"The same principle is true here. . . . There's no way they should even have considered using it on the air, 'generic' nightclub or not."

Kelly McBride, a faculty member in ethics at the Poynter Institute in St. Petersburg, Fla., which provides advanced training for journalists, said there are several pitfalls to filming in a club owned by a station employee.

One is that a station would be considered untrustworthy, sneakily trying to promote a reporters'

business. The other is that it's guilty of lazy reporting.

"Most ethical lapses we see are not due to malice, but simply the pressure of trying to get a story done as quickly as possible," she said.

Channel 10 spokeswoman Claire Eckert said the station, which is owned by NBC, has a corporate policy not to shoot on premises owned by a reporter. At Channel 6, Gazda said the station wouldn't film at any building owned by a reporter.

Gazda said she would be leery of reporters having outside businesses at all, particularly one with as much newsmaking potential as a nightclub.

Derderian, who began working at Channel 12 just a week ago, is a Rhode Island native who started in radio, worked at Channel 6, and then moved to WHDH, Channel 7 in Boston, before deciding to return home.

On talk radio yesterday, several callers speculated on whether the local media was being tough enough on one of their own.

"A lot of callers were very critical, saying the media was giving the guy a free ride," said WPRO-AM's Ron St. Pierre, who said he's known Derderian since the two of them worked in local radio together. "We can't be perceived as being objective when it comes to Jeff, even if we are."

Some criticism has centered on WHJJ-AM talk show host John DePetro, a close friend of Derderian's.

"I reject flat out that John let any bias show on Friday," said Bill Hess, WHJJ program director. "He did a masterful job on a terrible day. John made it clear he had a personal friendship with Jeff, but I think if you look at the totality of our coverage, it was perfectly balanced."

Just by openly admitting his friendship, Hess said, DePetro opened himself up to charges of bias.

At the Poynter Institute, McBride noted that the initial focus of most media coverage was on Great White, the band whose use of pyrotechnics is under scrutiny. Only later, she said, did attention begin to focus on the club owners.

But Channel 6's Gazda said the station's reporters were knocking on Jeffrey Derderian's door early Friday morning.

Derderian has a reputation as an aggressive reporter, she said. If anyone would understand tough coverage, it should be him.

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Online at: [http://www.projo.com/extra/2003/stationfire/archive/projo\\_20030225\\_tape25.5a4e4.html](http://www.projo.com/extra/2003/stationfire/archive/projo_20030225_tape25.5a4e4.html)





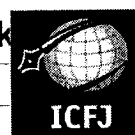
## International Journalists' Network

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## Code Of Ethics: Society of Professional Journalists

### Preamble

Members of the Society of Professional Journalists believe that public enlightenment is the forerunner of justice and the foundation of democracy. The duty of the journalist is to further those ends by seeking truth and providing a comprehensive account of events and issues. Conscientious journalists from all media and specialties strive to serve the public with thoroughness and honesty. Professional integrity is the cornerstone of a journalist's credibility. Members of the Society share a dedication to ethical behavior and adopt this code to declare the Society's principles and standards of practice.

### Seek Truth and Report It

Journalists should be honest, fair and courageous in gathering, reporting and interpreting information.

Journalists should:

- Test the accuracy of information from all sources and exercise care to avoid inadvertent error. Deliberate distortion is never permissible.
  - Diligently seek out subjects of news stories to give them the opportunity to respond to allegations of wrongdoing.
  - Identify sources whenever feasible. The public is entitled to as much information as possible on sources' reliability.
  - Always question sources' motives before promising anonymity.
  - Clarify conditions attached to any promise made in exchange for information.
  - Keep promises.
  - Make certain that headlines, news teases and promotional material, photos, video, audio, graphics, sound bites and quotations do not misrepresent. They should not oversimplify or highlight incidents out of context.
  - Never distort the content of news photos or video. Image enhancement for technical clarity is always permissible.
  - Label montages and photo illustrations.
  - Avoid misleading re-enactments or staged news events. If re-enactment is necessary to tell a story, label it.
  - Avoid undercover or other surreptitious methods of gathering information except when traditional open methods will not yield information vital to the public.
  - Use of such methods should be explained as part of the story.
  - Never plagiarize.
  - Tell the story of the diversity and magnitude of the human experience boldly, even when it is unpopular to do so.
  - Examine their own cultural values and avoid imposing those values on others.
  - Avoid stereotyping by race, gender, age, religion, ethnicity, geography, sexual orientation, disability, physical appearance or social status.
  - Support the open exchange of views, even views they find repugnant.
  - Give voice to the voiceless; official and unofficial sources of information can be equally valid.
  - Distinguish between advocacy and news reporting. Analysis and commentary should be labeled and not misrepresent fact or context.
  - Distinguish news from advertising and shun hybrids that blur the lines between the two.
- Recognize a special obligation to ensure that the public's business is

conducted in the open and that government records are open to inspection.

### Minimize Harm

Ethical journalists treat sources, subjects and colleagues as human beings deserving of respect. Journalists should:

- Show compassion for those who may be affected adversely by news coverage.
- Use special sensitivity when dealing with children and inexperienced sources or subjects.
- Be sensitive when seeking or using interviews or photographs of those affected by tragedy or grief.
- Recognize that gathering and reporting information may cause harm or discomfort. Pursuit of the news is not a license for arrogance.
- Recognize that private people have a greater right to control information about themselves than do public officials and others who seek power, influence or attention. Only an overriding public need can justify intrusion into anyone's privacy.
- Show good taste.
- Avoid pandering to lurid curiosity.
- Be cautious about identifying juvenile suspects or victims of sex crimes.
- Be judicious about naming criminal suspects before the formal filing of charges.
- Balance a criminal suspect's fair trial rights with the public's right to be informed.

### ACT INDEPENDENTLY

Journalists should be free of obligation to any interest other than the public's right to know. Journalists should:

- Avoid conflicts of interest, real or perceived.
- Remain free of associations and activities that may compromise integrity or damage credibility.
- Refuse gifts, favors, fees, free travel and special treatment, and shun secondary employment, political involvement, public office and service in community organizations if they compromise journalistic integrity.
- Disclose unavoidable conflicts.
- Be vigilant and courageous about holding those with power accountable.
- Deny favored treatment to advertisers and special interests and resist their pressure to influence news coverage.
- Be wary of sources offering information for favors or money; avoid bidding for news.

### Be Accountable

Journalists are accountable to their readers, listeners, viewers and each other. Journalists should:

- Clarify and explain news coverage and invite dialogue with the public over journalistic conduct.
- Encourage the public to voice grievances against the news media.
- Admit mistakes and correct them promptly.
- Expose unethical practices of journalists and the news media. Abide by the same high standards to which they hold others.

*Sigma Delta Chi's first Code of Ethics was borrowed from the American Society of Newspaper Editors in 1926. In 1973, Sigma Delta Chi wrote its own code, which was revised in 1984 and 1987. The present version of the Society of Professional Journalists' Code of Ethics was adopted in September 1996.*

*Link to the home page of the [Society of Professional Journalists](#)*

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# **LIN TV CORP.**

## **CODE OF BUSINESS CONDUCT AND ETHICS**

### **Introduction**

At LIN TV Corp. we conduct our business with high standards of professional conduct and integrity and in full compliance with applicable laws and regulations of the states and countries in which we operate. This Code of Conduct sets forth standards of business conduct and provides guidance in certain areas where ethical issues may arise. The Code provides a general framework for measuring our business conduct and does not address every possible situation.

The Code of Conduct applies to all employees, officers and directors of LIN TV Corp. and its subsidiaries and all references to "employees" in this code includes all such persons. Employees should read and become familiar with the Code and are expected to comply fully with the Code on an on-going basis. In addition, on an annual basis, each employee will be required to certify that he or she has read and understands the Code and has not engaged, and does not know of, any activity that is in violation of the Code. Any references to "LIN TV Corp." or "the Company" in the Code also refer to all subsidiaries and divisions of LIN TV Corp.

If you have a question whether particular conduct complies with the Code, you should discuss the situation with the Company's General Counsel's office. If you become aware of any breach of the Code, you should promptly report it to your supervisor and the Company's General Counsel's office.

### **Conflicts of Interest**

Employees should avoid situations which may place them in a conflict of interest with the Company or which may create the appearance of a conflict. A conflict of interest arises when an employee has a direct or indirect financial or other interest which might influence the employee's judgment on behalf of the Company. A conflict of interest exists if there is the potential for influence, whether or not the employee's judgment is actually affected. In determining whether a conflict exists, an employee should treat the interests of members of his or her family in the same manner as the employee treats his or her own interests.

Although it is impossible to list all of the situations which might be considered conflicts of interest, some of the more common examples are described below:

#### **Investments in or Affiliations with Suppliers, Customers or Competitors**

- Employees should not have financial or other interests in, or participate as a director, officer, employee, consultant, agent, creditor, lender, or in any similar capacity in: (1)

any business which provides services to the Company, (2) any business to which the Company sells advertising or other services or (3) any business with which the Company competes.

- Passive investments in stock in a publicly traded company that may deal or compete with the Company will not violate this policy, as long as the employee owns less than 1% of the outstanding stock of that publicly traded company.

#### Corporate Opportunity

- No employee may take advantage of a commercial opportunity that rightfully belongs to the Company or compete with the Company. Employees owe a duty to the Company to advance its legitimate interests when the opportunity to do so arises.

#### Use and Protection of Company Resources

- The Company's property, information, position or services should not be used for any personal benefit or the personal benefit of anyone else. Employees should not perform or solicit outside work on the Company's premises or during the Company's working time, or that would interfere with an employee's ability to perform his or her job requirements to their fullest. Also, employees should not use the Company's equipment or resources to conduct outside work regardless of whether the outside work is conducted on the Company's premises or elsewhere. Because the line between personal and company benefit may be difficult to draw, it is recommended that any use of the Company's property or services that is not solely for the benefit of the Company be approved beforehand by the employee's immediate supervisor.
- Employees should protect the Company's assets and ensure their efficient use. Theft, carelessness and waste have a direct impact on the Company's profitability.
- Employees should maintain the confidentiality of information entrusted to them by the Company or its customers, except when disclosure is authorized or legally mandated. Confidential information includes all non-public information that might be of use to competitors, or harmful to the Company or its customers, if disclosed.

#### Loans and Guarantees

- The Company may not make loans to or guarantee obligations of any of the Company's directors and executive officers.

#### Gifts and Entertainment

- Employees should not give, seek or accept gifts, entertainment, discounts, payments, or other personal benefits or favors from individuals or firms which do business or propose to do business with the Company, competitors of the Company or current or prospective employees of the Company where such benefit is not generally available to the public or could reasonably be considered as having been provided in order to influence an

individual's or entity's current or prospective business relationship with or employment by the Company. For example, this prohibition would include situations where employees receive discounts on products or services provided by firms that are vendors to the Company or are provided to a salesperson during negotiations for the purchase of advertising time from the Company. However, this prohibition would not include situations where employees enter into transactions with firms who happen to advertise with the Company where the discount is generally available to the public or can be demonstrated by the employee to be completely unrelated to such firm's relationship with the Company.

- In certain cases, because of protocol or courtesy, it may be appropriate to accept an unsolicited gift of nominal value (no greater than \$250 in any one-year period); however, under no circumstances shall gifts of money (or equivalents such as stocks or bonds or other financial assets) be accepted. It may also be appropriate to accept reasonable forms of entertainment (such as lunches, dinners, concerts or tickets to sporting events) in connection with business dealings. As a guideline for determining whether a particular gift, entertainment or other benefit is appropriate, employees should consider whether it would be considered extravagant or excessive, whether public disclosure of the gift would embarrass the Company, or whether a disinterested third party might infer that it could affect an employee's judgment. If so, the gift or entertainment should not be accepted.
- Ordinarily, gifts exceeding a nominal value must be declined. There may be times when it is appropriate and in the Company's best interest to accept gifts or entertainment that are beyond nominal value, where the gift is considered a reasonable and customary expense in the industry, the gift relates directly to a legitimate Company business purpose and does not compromise the integrity or appearance of integrity of the Company's business. To accept such gifts, employees must first obtain specific approval from the Company's General Counsel.

*If an employee thinks he or she may be involved in a situation that creates a conflict of interest or the appearance of a conflict, such employee should promptly notify the Company's General Counsel. While the Company usually will require that the conflict be eliminated, there may be some situations where the conflict may be acceptable because procedures can be put in place to protect the Company. The Company will have full discretion to determine how a conflict will be handled and its decision in this regard will be final.*

### **Improper Payments**

- No bribes, illicit rebates, kickbacks or other illegal payments shall be made to government officials, customers, suppliers, prospective suppliers or customers, or anyone else, either directly or indirectly. These payments are strictly against the law and the Company's policy. This policy applies not only to direct payments, but also to indirect payments, payments in kind and payments to third parties (such as brokers, sales representatives or manufacturer's representatives) where an employee knows or even merely has reason to suspect that all or any part of the payments will be offered or paid as

a bribe, kickback or improper payment. Payment can take many forms such as cash, gifts, trips, advantageous pricing on products or stock in public offerings.

### **Fair Dealing**

- Employees should endeavor to deal fairly with the Company's customers, suppliers, competitors and employees. None should take unfair advantage of anyone through manipulation, concealment, abuse of privileged information, misrepresentation of material facts or any other unfair-dealing practice.

### **Antitrust, Competition and Other Laws**

- As a general matter, employees should strive to keep themselves informed of and in compliance with applicable laws, rules, regulations and Company policies, including those relating to insider trading.
- Antitrust and competition laws are designed to promote fair and open competition by prohibiting unfair, restrictive or collusive business practices. It is the Company's policy to comply fully with all such laws.
- U.S. antitrust laws prohibit, among other things, agreements or arrangements between competitors to fix or influence prices or to affect the number of advertising availabilities or limit the quantity of other services, or agreements to allocate markets. Unlawful agreements need not take the form of a written agreement, but can be based on oral commitments or informal understandings. Thus, employees should use caution when communicating with competitors. In addition to prohibiting price fixing and allocation of customers or markets, the U.S. antitrust laws forbid unfair or deceptive trade practices and other activities which may restrain or reduce competition.

*Because of the complexity of these laws and the serious consequences to both the Company and the employees involved if such laws are violated, the Company's General Counsel should be consulted if there is any question as to whether a particular practice or transaction complies with such laws.*

### **Accounting and Records**

- The Company has established accounting controls, standards and procedures to ensure that financial books and records accurately and fairly reflect, in reasonable detail, the Company's operations and financial position and the underlying transactions and any dispositions of assets. All Company financial reports, accounting records, research reports, sales reports, expense accounts, time sheets and other documents must be timely prepared and must accurately represent the relevant facts and true nature of what they purport to be. All transactions of any nature must be recorded accurately in the Company's books and records, and no payments should be made with the understanding that such payment is for any purpose other than that described by the documents supporting such payment. Employees should accurately disclose all transactions to both the Company's internal and external auditors. Improper documentation or financial

reporting is contrary to the Company's policy, whether or not in violation of applicable law or generally accepted accounting principles (GAAP). It is unlawful for any officer, director, or person acting under the direction of an officer or director to take any action to fraudulently influence, coerce, manipulate or to mislead any independent public or certified public accountant engaged in the performance of an audit of the financial statements of the Company for the purpose of making such financial statements materially misleading.

#### **Dealing with Company and Outside Auditors, Attorneys and Investigations**

- Inquiries or contacts by auditors, investigators or inspectors from outside organizations such as government agencies should be referred promptly to the Company's General Counsel. If requested by the General Counsel to participate in an investigation or audit, all Company employees are expected to cooperate fully. Under no circumstances should any employee attempt to improperly influence, obstruct or impede such auditors or investigators in the performance of their official duties.
- Periodically, in addition, the Company's internal corporate auditors, attorneys, independent auditors or others may be asked to review matters on behalf of the Company. Employees who become involved in such reviews should be truthful and make complete and accurate disclosure to the Company's representatives.

#### **Violations and Enforcement**

##### **Reporting Violations**

- If an employee believes that he or she is in violation of any of the provisions of this Code of Conduct, the employee should promptly contact the General Counsel to discuss the matter. If an employee is in doubt about the appropriate course of action in a particular situation that would maintain compliance with this code, the employee is encouraged to discuss the situation with supervisors, managers or the General Counsel. The Company will not tolerate retaliation for reports of violations which are made in good faith.
- In addition, in order to help the Company maintain compliance with the Code, employees are encouraged to disclose any other violation of the Code to the General Counsel, of which he or she is aware, so that appropriate action may be taken by the Company. Employees may also anonymously report violations to the General Counsel in writing addressed to the following post office box, accessible only by the General Counsel: LIN TV Corp., P.O. Box 33922, Washington, D.C. 20033-3922.

##### **Responsibility of Managers and Employees**

- All managers shall be responsible for the enforcement of and compliance with this policy on business conduct and ethics, including necessary distribution to ensure employee knowledge and compliance.

- Employees should also be aware of the standards and procedures set by the Company's Audit Committee for the receipt, retention and treatment of complaints received by the Company regarding accounting, internal accounting controls or auditing matters and the confidential, anonymous submission by employees of concerns regarding questionable accounting or auditing matters.

#### Enforcement and Waivers

- Failure to comply with the standards outlined in this Code will result in disciplinary action, ranging from a reprimand to dismissal and possible criminal prosecution. Moreover, any supervisor who directs or approves of any conduct in violation of this Code also will be subject to disciplinary action.
- Any waivers of these policies and procedures with respect to actions taken by the Company's executive officers and directors may be granted only by the Company's board of directors (or a committee thereof) and must be promptly disclosed to the Company's stockholders.

The Board of Directors shall formally adopt this policy as its own corporate policy binding all directors, officers and employees of the company.

*Adopted 10/28/02*



## ANNUAL EMPLOYEE CERTIFICATION

I have received the LIN TV Corp. Code of Conduct and have read it and understand it. I agree to comply with the Code.

Please certify as to the following matters relating to the Code:

1. Do you have any affiliations (as a director, officer, employee, consultant, agent, creditor, lender or other capacity) with or any investments in (other than holdings of less than 1% of the voting securities of) any business which competes with the Company, provides services to the Company, to which the Company sells advertising time or with which the Company otherwise does business?

☐ Yes      ☐ No

If yes, please explain below:

2. Have you used any Company resources for your personal benefit (other than insignificant uses, such as occasional uses of email, internet access and personal phone calls)?

☐ Yes      ☐ No

If yes, please explain below:

3. Have you undertaken any business opportunity that may have rightfully been a business opportunity of the Company?

☐ Yes      ☐ No

If yes, please explain below:

4. Have you improperly disclosed confidential information of the Company?

☐ Yes      ☐ No

If yes, please explain below:

5. Are there outstanding any loans or guarantees made by the Company for your benefit?

☐ Yes      ☐ No

If yes, please explain below:

6. Have you accepted any gifts, entertainment, discounts, payments or other personal benefits from individuals or firms which competes with the Company, provides services to the Company, to which the Company sells advertising time or with which the Company otherwise does business, which are not available to the public generally or could reasonably have been to influence such individual's or firm's business relationship with or employment by the Company (other than unsolicited gifts not exceeding \$250 in value during any one year period)?

☐ Yes      ☐ No

If yes, please explain below:

7. Have you made or received any payments which you know or have reason to suspect were made or offered as a bribe, kickback or improper payment?

☐ Yes      ☐ No

If yes, please explain below:

8. Are you aware of any Company financial reports, accounting records, research reports, sales reports, expense accounts, time sheets and other documents which you prepared that may not accurately represent the relevant facts and true nature of what they purport to be or any payments made for any purpose other than that described by the documents supporting such payment?

☐ Yes      ☐ No

If yes, please explain below:

9. Have you attempted to improperly influence, obstruct or impede auditors or investigators in the performance of their official duties or failed to provide truthful, complete and accurate disclosure to the Company's internal corporate auditors, attorneys, independent auditors or others?

☐ Yes      ☐ No

If yes, please explain below:

10. Have you engaged in, or do you know of, any activity that is in violation of the Code (other than as may be specified above)?

☐ Yes      ☐ No

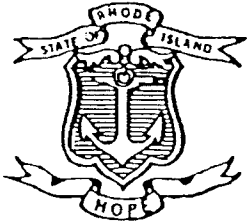
If yes, please explain below:

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Print Name

\_\_\_\_\_  
Location/Business Unit

Date: \_\_\_\_\_



STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS  
**SUBPOENA**  
SUPERIOR COURT

☒ PROVIDENCE/BRISTOL      ☐ KENT      ☐ WASHINGTON      ☐ NEWPORT

1. IN RE: THE STATION FIRE IN WEST WARWICK VS. .....	2. CASE NO. MP NO. 03-1326 MP NO. 03-1346 MP NO. 03-1431 .....
--	---

LIN Television Corporation  
TO 4 Richmond Square, Suite 230, Providence, RI 02906

☐ YOU ARE HEREBY COMMANDED to appear in the Superior Court for the above County on \_\_\_\_\_ to testify in the above entitled action [and bring with you: \_\_\_\_\_ DATE \_\_\_\_\_]

LOCATION OF COURT \_\_\_\_\_

COURTROOM# \_\_\_\_\_

DATE \_\_\_\_\_

TIME \_\_\_\_\_

☒ YOU ARE COMMANDED to appear at the place, date, and time specified below to testify at the taking of a deposition in the above entitled action.

COOLEY MANION JONES LLP

One Center Place, Providence, RI 02903

LOCATION OF DEPOSITION \_\_\_\_\_

August 21, 2003

2:00 p.m.

DATE AND TIME \_\_\_\_\_

☒ YOU ARE COMMANDED to produce and permit inspection and copying of the following documents or objects at the place, date, and time specified below (list documents or objects):  
**SEE EXHIBIT A.**

DOCUMENTS/OBJECTS \_\_\_\_\_

COOLEY MANION JONES LLP

One Center Place, Providence, RI 02903

LOCATION \_\_\_\_\_

ROOM# \_\_\_\_\_

August 21, 2003

DATE \_\_\_\_\_

2:00 p.m.

TIME \_\_\_\_\_

☐ YOU ARE COMMANDED to produce and permit inspection of the following premises at the date and time specified below.

LOCATION \_\_\_\_\_

ROOM# \_\_\_\_\_

DATE \_\_\_\_\_

TIME \_\_\_\_\_

Any organization or a party to this suit that is subpoenaed for the taking of a deposition shall designate one or more officers, directors, or managing agents, or other persons who consent to testify on its behalf and may set forth, for each person designated, the matters on which the person will testify. (Superior Court Rule of Civil Procedure, 30(b) 6).

Pat Jones  
ISSUING OFFICER SIGNATURE  
August 8, 2003  
DATE

ATTORNEY FOR: ☒ Plaintiff ☐ Defendant

Patrick T. Jones, Esq.		#6636	
ISSUING OFFICER'S NAME (Print/Typed)		REGISTRATION #	
One Center Place	Providence	RI	02903
STREET	CITY/TOWN	STATE	ZIP

### PROOF OF SERVICE

<u>8/8/03</u> DATE	<u>Prentice Hall Corp System 170 Westminster St. Suite 900 Prov. R.I.</u> PLACE
-----------------------	--

### SERVED

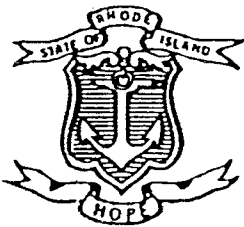
<u>Thur: Prentice Hall Corp. System</u>	
SERVED ON (PRINT NAME) <u>Lin Television Corp.</u>	MANNER OF SERVICE <u>IN HAND</u>
SERVED BY (PRINT NAME) <u>Michael F. Talencio</u>	TITLE <u>Constable #6109</u>

### DECLARATION OF SERVER

I declare under penalty of perjury that the foregoing information contained in the proof of service is true and correct.

Executed on 8/8/03  
DATE

Michael F. Talencio  
SIGNATURE OF SERVER  
24 TOWNE ST. Cranston R.I.  
ADDRESS OF SERVER



STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS

**SUBPOENA**

SUPERIOR COURT

☒ PROVIDENCE/BRISTOL

☐ KENT

☐ WASHINGTON

☐ NEWPORT

1. <b>IN RE: THE STATION FIRE IN WEST WARWICK</b> VS. .....	2. CASE NO. <b>MP NO. 03-1326</b> <b>MP NO. 03-1346</b> <b>MP NO. 03-1431</b> .....
---	--

**LIN Television Corporation**  
TO **4 Richmond Square, Suite 230, Providence, RI 02906**

☐ **YOU ARE HEREBY COMMANDED** to appear in the Superior Court for the above County on \_\_\_\_\_ to testify in the above entitled action [and bring with you: \_\_\_\_\_ DATE \_\_\_\_\_]

LOCATION OF COURT

COURTROOM#

DATE

TIME

☒ **YOU ARE COMMANDED** to appear at the place, date, and time specified below to testify at the taking of a deposition in the above entitled action.

**COOLEY MANION JONES LLP**  
**One Center Place, Providence, RI 02903**

**August 21, 2003**  
**2:00 p.m.**

LOCATION OF DEPOSITION

DATE AND TIME

☒ **YOU ARE COMMANDED** to produce and permit inspection and copying of the following documents or objects at the place, date, and time specified below (list documents or objects):  
**SEE EXHIBIT A.**

DOCUMENTS/OBJECTS  
**COOLEY MANION JONES LLP**  
**One Center Place, Providence, RI 02903**

LOCATION

ROOM#

**August 21, 2003**

**2:00 p.m.**

DATE

TIME

☐ **YOU ARE COMMANDED** to produce and permit inspection of the following premises at the date and time specified below.

LOCATION

ROOM#

DATE

TIME

ISSUING OFFICER SIGNATURE Pat Jones DATE August 8, 2003

Patrick T. Jones, Esq.		#6636	
ISSUING OFFICER'S NAME (Print/Typed)		REGISTRATION #	
One Center Place	Providence	RI	02903
STREET	CITY/TOWN	STATE	ZIP

DATE	PLACE
------	-------

SERVED ON (PRINT NAME)	MANNER OF SERVICE
SERVED BY (PRINT NAME)	TITLE

Executed on \_\_\_\_\_  
DATE

SIGNATURE OF SERVER

Page 2 of 3

**(c) Protection of Persons Subject to Subpoenas.**

(1) A party or an attorney responsible for the issuance and service of a subpoena shall take reasonable steps to avoid imposing undue burden or expense on a person subject to that subpoena. The court on behalf of which the subpoena was issued shall enforce this duty and impose upon the party or attorney in breach of this duty an appropriate sanction, which may include, but is not limited to, lost earnings and a reasonable attorney's fee.

(2)(A) A person commanded to produce and permit inspection and copying of designated books; papers, documents or tangible things or inspection of premises need not appear in person at the place of production or inspection unless commanded to appear for deposition, hearing or trial.

(B) Subject to paragraph (d)(2) of this rule, a person commanded to produce and permit inspection and copying may, within 14 days after service of the subpoena or before the time specified for compliance if such time is less than 14 days after service, serve upon the party or attorney designated in the subpoena written objection to inspection or copying of any or all of the designated materials or of the premises. If objection is made, the party serving the subpoena shall not be entitled to inspect and copy the materials or inspect the premises except pursuant to an order of the court by which the subpoena was issued. If objection has been made, the party serving the subpoena may, upon notice to their person commanded to produce, move at any time for an order to compel the production. Such an order to compel production shall protect any person who is not a party or an office of a party from significant expense resulting from the inspection and copying commanded.

(3)(A) On timely motion, the court by which a subpoena was issued shall quash or modify the subpoena if it

- (i) fails to allow reasonable time for compliance;
- (ii) requires disclosure of privileged or other protected matter and no exception or waiver applies, or
- (iii) subjects a person to undue burden.

(B) If a subpoena

- (i) requires disclosure of a trade secret or other confidential research, development, or commercial information or
- (ii) requires disclosure of an unretained expert's opinion or information not describing specific events or occurrences in dispute and resulting from the expert's study made not at the request of any party, the court may, to protect a person subject to or affected by the subpoena, quash or modify the subpoena or, if the party in whose behalf the subpoena is issued shows a substantial need for the testimony or material that cannot be otherwise met without undue hardship and assures that the person to whom the subpoena is addressed will be reasonable compensated, the court may order appearance or production only upon specified conditions.

**(d) Duties in Responding to Subpoena.**

(1) A person responding to a subpoena to produce documents shall produce them as they are kept in the usual course of business or shall organize and label them to correspond with the categories in the demand.

(2) When information subject to a subpoena is withheld on a claim that it is privileged or subject to protection as trial preparation materials, the claim shall be made expressly and shall be supported by a description of the nature of the documents, communications, or things not produced that is sufficient to enable the demanding party to contest the claim.



STATE OF RHODE ISLAND  
PROVIDENCE, SC.

SUPERIOR COURT

IN RE: THE STATION FIRE IN : M.P. NO. 03-1326  
WEST WARWICK : M.P. NO. 03-1346  
: M.P. NO. 03-1431

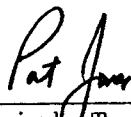
**NOTICE TO TAKE DEPOSITION**

DEPONENT: LIN Television Corporation  
4 Richmond Square, Suite 230, Providence, RI 02906

DATE: Thursday, August 21, 2003  
TIME: 2:00 p.m.

PLEASE TAKE NOTICE that pursuant to R.C.P. 26, the attorney for petitioners in the above-captioned matter will take the deposition of the above-named individual on oral examination, which examination will continue from day to day until completed, the same to commence on the date and time above stated at the offices of COOLEY MANION JONES LLP, One Center Place, Providence, Rhode Island, before a Notary Public duly commissioned in the State of Rhode Island.

PLEASE TAKE FURTHER NOTICE that a subpoena duces tecum will issue in the form annexed hereto.

  
\_\_\_\_\_  
Patrick T. Jones (6636)  
COOLEY MANION JONES LLP  
One Center Place  
Providence, RI 02903  
(401) 273-0800

DATED: August 8, 2003

### SCHEDULE "A"

Any and all documents of every type and description, including without limitation, memoranda, electronic mail, tape recordings, transcripts of tape recordings, video, audio-video, correspondence, and any other written or electronic record that refers or relates in any manner to:

1. Jeffrey Derderian's duties and responsibilities as an employee and/or reporter for WPRI as of February 20, 2003, including without limitation, all contracts or agreement between Jeffrey Derderian and any of WPRI-TV, CBS Broadcasting, Inc., and/or LIN TV Corp.
2. Jeffrey Derderian's assignments or activities, on behalf of WPRI, on February 20, 2003.
3. Brian Butler's duties and responsibilities as an employee or photojournalist on behalf of WPRI, CBS Broadcasting, Inc. or LIN TV Corp. as of February 20, 2003.
4. Any documentation of a request or assignment that Butler be present on February 20, 2003 at the Station in West Warwick, Rhode Island, including without limitation all instructions given to Butler concerning what he should videotape or photograph on February 20, 2003 at the Station in West Warwick, Rhode Island.
5. All communications between Butler and Derderian relating to: the Station; the videotaping or photography to be performed by Butler at the Station; pyrotechnics; the fire at the Station; and/or the foam affixed to the walls of the Station, such communications taking place between February 17, 2003, to and including the present.
6. All communications between Butler and any other person or entity, including statements given by Butler, with respect to the photographs or videotape taken at the Station, the fire at the Station, Jeffrey Derderian, Derco LLP, and/or the foam on the walls of the Station, such communications taking place between February 17, 2003 to and including the present.
7. The decision to suspend or terminate employment, and the suspension or termination of Jeffrey Derderian's employment.
8. Any videotape, including in digital form if available, recorded by Brian Butler at the Station at any time.



## ETHICS

### GUIDELINES FOR BALANCING BUSINESS PRESSURES AND JOURNALISM VALUES

"Professional electronic journalists should gather and report news without fear or favor, and vigorously resist undue influence from any outside forces, including advertisers, sources, story subjects, powerful individuals and special-interest groups." The Radio-Television News Directors Association declared this traditional journalistic value when it revised the RTNDA Code of Ethics and Professional Conduct in September 2000. Times of economic pressure test that value, challenging journalists to see it anew-and to practice it in new ways.

To do so, journalists, news managers and business-side managers must develop shared values, clear guidelines and practical protocols that serve the dual goals of journalistic independence and commercial success. Managers should welcome and solicit concerns from any staff member who feels pressure to compromise journalistic principles in the name of commercial interests.

News reporting and decision-making should be free of inappropriate commercial influences. If electronic journalists weaken their commitment to journalistic principles and public service in exchange for financial gains, credibility erodes and the audience will turn away.

Responsibility for protecting news content from improper influences rests not just with news directors, but also with everyone at the station or network.

[Click here to read the article from May 2002 \*Communicator\*.](#)

**The following standards should be applied to content-related decisions on air and online:**

1. News operations should not show favoritism to advertisers. It should be clear to all advertisers that they have no influence over news content.
2. Professional electronic journalists should expose unethical or illegal business practices, but should not target businesses unfairly.
3. Content should be generated based on journalistic merits and not solely as an advertising vehicle. The most important professional responsibility of an electronic journalist is to report the news. Everything else comes second.
4. News directors should carefully consider instances when ratings and demographics drive coverage decisions and ensure that news coverage remains journalistically sound and serves the public interest.
5. News organizations should protect the integrity of coverage against any potential conflict of interest arising from station owners' commercial or other interests.

6. Coverage of a promotional or commercial event that an advertiser or station sponsors should be proportional to the event's newsworthiness.
7. Stations or networks should foster a high degree of communication, collaboration, respect and trust among station leaders and staff members. Business-side managers should be encouraged to understand that journalistic independence and credibility are among the station's most precious commodities.
8. News directors should insist that newsroom employees do not accept gifts, favors or other compensation from those who might seek to influence coverage.
9. A news operation's online product should clearly separate commercial and editorial content and maintain the same high journalistic and ethical standards as the on-air product.
10. Professional electronic journalists should tell their audiences why and how they made decisions, especially if the public might perceive that journalistic independence has been compromised.

Through RTNDF's *Journalism Ethics Project*, Bob Steele, senior faculty and ethics group leader, and Al Tompkins, broadcast and online group leader, The Poynter Institute for Media Studies, created these guidelines.

RTNDF's *Journalism Ethics Project* is sponsored by a grant from The Ford Foundation. To learn more about RTNDF's ethical coverage guidelines, training workshops, research and resources contact: Kathleen Graham, Senior Project Director, Journalism Ethics and News Leadership, 202.467.5216 or e-mail [kathleeng@rtndf.org](mailto:kathleeng@rtndf.org)

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**Exhibit 1**

**Description:** EXHIBIT 1 - NATURE OF REPORT AND RESPONDENT

THIS IS THE POST-CLOSING OWNERSHIP REPORT OF RESPONDENT TVL BROADCASTING OF RHODE ISLAND, LLC (TVL OF RHODE ISLAND) FOLLOWING A PRO FORMA TRANSFER OF CONTROL (BTCCT-20031105AHE). TVL OF RHODE ISLAND IS A DELAWARE LIMITED LIABILITY COMPANY. ITS MANAGING MEMBER AND SOLE MEMBER IS TVL BROADCASTING, INC. (TVL). TVL IS A WHOLLY-OWNED SUBSIDIARY OF LIN TELEVISION CORPORATION, WHICH IS WHOLLY-OWNED BY LIN TV CORP.

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**Attachment 1**

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**Exhibit 2**

**Description:** EXHIBIT 2 - STATEMENT REGARDING EDP

IN RESPONSE TO QUESTION 9(A), LINE 8, IT IS NOTED THAT THERE ARE NOT ANY PARTIES WITH AN ATTRIBUTABLE INTEREST IN RESPONDENT UNDER THE FCC'S EQUITY DEBT PLUS (EDP) ATTRIBUTION STANDARD.

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**Attachment 2**

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**Exhibit 3**

**Description:** EXHIBIT 3 - SECTION II, QUESTION 9(C)

LIN TELEVISION CORPORATION, THE SOLE OWNER OF RESPONDENT'S PARENT TVL BROADCASTING, INC., PROVIDES PROGRAMMING AND ADVERTISING SERVICES TO WNAC-TV, PROVIDENCE, RI (73311), PURSUANT TO A GRANDFATHERED (I.E., PRE-NOVEMBER 5, 1996) LOCAL MARKETING AGREEMENT. WNAC-TV AND WPRI-TV ARE BOTH IN THE PROVIDENCE DMA MARKET.

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**Attachment 3**

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